

REMARKS

Reconsideration of the application is requested.

Claims 14-23, 25, and 26 remain in the application. Claims 14-23, 25, and 26 are subject to examination.

Under the heading “Claim Rejections – 35 USC § 102” on page 8 of the above-identified Office Action, claims 14-18, 20, 22-23 and 25-26 have been rejected as being fully anticipated by U.S. Publication No. 2004/0203589 to Wang et al. under 35 U.S.C. § 102. Applicants respectfully traverse.

Claim 14 includes a step of “allocating the user identity to an application of the communication unit.” Similarly, claim 23 specifies, “the user identity being allocated to an application of the communication unit.” This is described, for example, at page 9, lines 18-20 of the translated specification.

Applicants believe it should be clear that Wang et al. do not teach the limitations of claims 14 and 23 that are copied immediately above. Wang et al. only teach allocating the user identity to a message being sent by the communication unit. The user identity is not allocated to an application of the communication unit. In particular, Wang et al. teach associating an authentication certificate with the originating message and this authentication

certificate identifies the sender of the message (See paragraph 18 of Wang et al.). The claimed limitation is not taught.

Claim 14 also includes steps of:

“transmitting all messages of the message traffic via a first network unit within a mobile radio system, the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages are to be forwarded to a second network unit for further processing, or are to be blocked;” and

“assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit” (emphasis added).

Similarly, claim 23 includes, “a processing unit for deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of useful information of the communication unit, be forwarded to a second network unit for further processing or can be blocked, said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information of the communication unit, be logged by the first network unit in a logfile, with a specific set of the useful information being assigned to a user identity in each case, with the specific set

of useful information being used to control and evaluate at least one of the messages of the message traffic of the communication unit, and with the user identity being allocated to an application of the communication unit” (emphasis added).

Applicants point out that in claims 14 and 23, whether a message is forwarded depends on “at least one item of useful information of the communication unit”. However, applicants believe it is clear that Wang et al. do not teach determining whether a message is forwarded based on “at least one item of useful information of the communication unit”. Rather Wang et al. teach determining whether a message is forwarded based on a white list or a black list that are stored in the processing agent 300 of the MCS 200. Each white list and black list is associated with a subscriber and shows the subscriber’s preferences as to the senders that will be allowed to send messages to that subscriber (See paragraphs 26- 28 of Wang et al.). It is clear that whether a message is forwarded is based on information relating to the subscriber or receiver of a message. This subscriber or receiver is analogous to the second network unit in claims 14 and 23. In contrast, claims 14 and 23 specify that whether a message is forwarded is based on useful information of the communication unit, which is the unit transmitting the message to be forwarded.

Applicants believe that the invention as defined by claims 14 and 23 is not anticipated by or suggested by the teaching in Wang et al.

Under the heading "Claim Rejections – 35 USC § 103" on page 13 of the above-identified Office Action, claim 19 has been rejected as being unpatentable over U.S. Publication No. 2004/0203589 to Wang et al. in view of U.S. Publication No. 2002/0199095 to Bandini et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Applicants believe the invention as defined by claim 19 would not have been suggested by the combination of cited prior art for the reasons given above with regard to the teaching in Wang et al. and claim 14.

Under the heading "Claim Rejections – 35 USC § 103" on page 14 of the above-identified Office Action, claim 21 has been rejected as being unpatentable over U.S. Publication No. 2004/0203589 to Wang et al. in view of U.S. Publication No. 2004/0203432 to Patil et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Applicants believe the invention as defined by claim 19 would not have been suggested by the combination of cited prior art for the reasons given above with regard to the teaching in Wang et al. and claim 14.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 14 or claim 23. Claims 14 and 23 are, therefore, believed to be patentable over the

art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 14 or claim 23.

In view of the foregoing, reconsideration and allowance of claims 14-23, 25, and 26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Appl. No. 10/589,906
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Respectfully submitted,

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MPW:cgm

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